

**South Dakota Department of Health  
Health Systems Development and Regulations  
Office of Health Care Facilities Licensure and Certification**

**44:70 Assisted Living Centers proposed changes – 08/26/19 2:00PM**

**Major Changes:**

- Updated definitions and deleted unnecessary definitions.
- Deleted language in sections that were too prescriptive.
- Clarification for inclusion of mid-level providers in resident cares.
- Clarification of acceptance and retention of services.
- Revise reporting abuse, neglect or misappropriation, submission timelines, and provide clarification on mandatory reporting.
- Revise submission of Plans of Correction to match all licensed facilities.
- Clarified methods of laundry processing.
- Revised language for occupant protection to include incapable of self-preservation requirements.
- Modified staffing exception requirements to make less restrictive.
- Updated Administrator requirements.
- Updated personnel training requirements.
- Clarified influenza and pneumonia vaccine requirements.
- Updated TB rules based on current CDC guidelines.
- Clarified TB skin testing for short stay residents.
- Added language to allow the use of the Tuberculin (TB) blood assay test for TB screening and test conducted by other licensed facilities in South Dakota to reduce testing requirements when a resident or staff transfer to another licensed facility.
- Deleted communicable disease restrictions.
- Deleted optional services. Clarified allowable services in an assisted living setting.
- Added language to allow a dietitian to prescribe a regular or therapeutic diet.
- Revised language for medication accountability.
- Clarification referencing self-administration of drugs.
- Updated nursing documentation requirements.
- Revised language to admission, readmission, transfer and discharge policies.
- Deleted requirements for under counter dishwashers to be raised.
- Allow for the lowering of hot food holding from 140 to 135 degrees Fahrenheit to match new Food Code standards.
- Deleted smoke damper requirements already covered in LSC.
- Deleted language restricting sink blade handle length.
- Added option for yard storage and trash rooms outside the building.
- Added requirement to include a written narrative describing intended use of proposed construction.

- Updated all references material to the latest edition.
- Updated Life Safety Code (LSC) reference from 2009 to 2012 edition to ensure new construction is built to the newest standards.
- Deleted references to American's with Disabilities Act (ADA) since this is a federal requirement and enforced by the Department of Justice.
- Deleted reference to International Building Code (IBC) already covered in SDCL and enforced by local building officials. Will also eliminate differences in interpretation.

### **Comprehensive List of Changes by Article:**

#### **44:70 Assisted Living Centers**

<b>Section</b>	<b>Change</b>
01:01	Modified, updated and deleted definitions.
01:01(2)	Deleted definition of Activities coordinator.
01:01(3)	Renumbered to 01:01 (02). Added bathing as an activity of daily living.
01:01(8)	Renumbered to 01:01 (07). Updated language.
01:01(10)	Renumbered to 01:01 (09). Updated statute and deleted definition.
01:01(12)	Renumbered to 01:01 (11) Changed reference from American Dietetic Association to Academy of Nutrition and Dietetics.
01:01(13)	Deleted definition of Direct contact.
01:01(16)	Deleted definition of Endorsement.
01:01 (17)	Deleted definition of Equivalency.
01:01 (19)	Renumbered to 01:01 (15). Updated the definition of Facility.
01:01(20)	Renumbered to 01:01 (16). Updated the definition of Governing body.
01:01 (21)	Renumbered to 01:01 (17). Updated the definition of Healthcare personnel.
01:01(22)	Renumbered to 01:01 (18). Updated definition of Hospice services.
01:01(22) New	Added Psychologist to the definition of Licensed health professional.
01:01(23) New	Added definition of Memory care unit.
01:01(25) New	Added definition for Misappropriation of resident property.
01:01 (27)	Renumbered to 01:01 (26). Updated the definition of Neglect.
01:01 (29)	Renumbered to 01:01 (29). Updated the definition of Nurse Aid.
01:01 (31)	Renumbered to 01:01 (30). Updated definition of "Nursing personnel".
01:01 (32)	Deleted definition of Patient.
01:01 (36)	Renumbered to 01:01 (34). Updated publications references for Developmental Disabilities Assistance and Bill of Rights Act and Protection of Advocacy for Persons with Mental Illness.
01:01(41)	Deleted definition Residential living center.
01:01(43)	Deleted definition Restorative nursing.
01:01(45)	Deleted definition of Secure unit.

01:01(46)	Renumbered to 01:01 (41). Clarified Self-administration of medications.
01:01(47)	Deleted Self-directed care.
01:01(49)	Deleted Supervised practical training.
01:01(51)	Deleted Therapeutic activity.
01:01 (52)	Renumbered to 01:01 (44). Added physician assistant, nurse practitioner, or dietitian to order therapeutic diet.
01:01 (53)	Renumbered to 01:01 (45). Updated language for total assist.
01:01 (55)	Deleted definition of Treatment.
01:02	Deleted unnecessary language of Licensure of assisted living centers.
01:05	Deleted and revised language. New title Acceptance and retention of residents.
01:05 (1)	Updated language.
01:05 (2)	Deleted
01:05 (3)	Renumbered to 01:05 (2). Updated to Healthcare personnel.
01:05 (4)	Renumbered to 01:05 (3). Updated language.
01:05 (5)	Renumbered to 01:05 (4). Updated language.
01:05 (6)	Renumbered to 01:05 (5). Update language.
01:07	Revised language referencing submitting reports. Revised language reflecting existing federal regulations and state statute for mandatory reporting of abuse and neglect as well as clarify need to conduct investigation. Added reports on unsafe pools, spa and drinking water. Added the department may follow-up and request additional information on any reported incident.
01:08	Revised time for submission of Plan of Correction (PoC) to match other licensed facility submission time frames as well as revise language.
01:09	Revised language for requesting modification to staffing requirements.
02:02	Revised language referencing pets.
02:03	Revised and updated language to cleaning methods and facilities.
02:08	Removed unnecessary language for linen supply. Added language to follow equipment and clean agent recommendations. Reduced water temperature when washing comingled laundry from 140° F to 120° F.
02:10	Revised language as well as removed unnecessary language referencing plumbing.
02:11	Revised language and transferred language chlorine levels and testing from 44:70:10:27.
02:17	Revised language. Updated NFPA oxygen cylinder safety requirements to 2012. Transferred incapable of self-preservation from 44:70:04:14 (5).
03:01	Updated reference to 2012 Life Safety Code and added language referencing attic heat detection system.
03:02	Deleted language in general fire safety and provided staffing clarification.
03:02.01	Deleted reference to staffing requirements during sleeping hours and updated reference to 2012 Life Safety Code.
03:03	Transferred fire extinguisher equipment section from 44:70:10:16.
03:04	Transferred fire alarm systems section from 44:70:10:36.
04:02	Updated administrator qualification requirements. Added require a letter of attestation statement of qualified administrator.

04:04	Added staff training on abuse, neglect, misappropriation, and mistreatment; problem solving and communication techniques; and additional education based on resident care needs.
04:07	Provided additional guidance on influenza season. Deleted unnecessary language referencing influenza vaccination.
04:08	Added language that permits physician assistant, or nurse practitioner to recommend pneumococcal immunizations. Deleted unnecessary language referencing pneumococcal vaccination.
04:10	Included language on TB blood assay test and clarified testing of residents and staff if documentation can be provided on previous testing. Added language that permits physician assistant, or nurse practitioner to annually evaluate TB history. Updated reference to new CDC guidelines. Clarified TB skin testing for short stay residents.
04:12	Updated to Memory Care Units.
04:13	Updated language for resident admissions and means of written communication.
04:13.01	Deleted Facility form – Contents. Transferred validation screening tool requirement to 44:70:05:07.
04:14	Deleted Optional Services section. Some modified language transferred to other sections.
04:16	Revised language for discharge planning.
04:18	Added admission and retention of residents with communicable diseases.
05:01	Added Nursing policies and procedures for activities of daily living and assessment.
05:02	Revised language for service plans.
05:03	Updated language. Added licensed nurse assessment and documentation requirements. Clarified resident supplies and equipment.
05:04	Added language for documentation requirements.
05:05	Transferred and updated hospice services language from 44:70:04:14 (8).
05:06	Transferred and updated two person assist language from 44:70:04:14 (10). Updated to Total ADL assistance
05:07	Transferred and updated care of resident with cognitive impairment language from 44:70:04:14 (3).
06:02	Revised unnecessary language. Lowered holding temperature for food from 140° F to 135° F.
06:03	Deleted reference to Food Guide Pyramid and updated to MyPlate Dietary Guidelines for Americans 2010.
06:05	Added perishable and revised language.
06:06	Transferred and updated language from 44:70:04:14 (7).
06:07	Added dining arrangement to title and language on environment, encourage eating in common dining, and assistance.
06:09	Deleted reference to Recommended Dietary Allowances Tenth revised Edition and updated to MyPlate Dietary Guidelines for Americans 2010. Added dietitian to prescribed diet.
06:10	Repealed. Not required.
06:11	Renumbered to 06:10. Revised schedule of dietary consultations.

06:13	Renumbered to 06:12.
04:14	Repealed.
06:15	Renumbered to 06:13. Revised language for nutritional assessments and tube feeding assessments.
06:16	Renumbered to 06:14.
06:17	Renumbered to 06: 15. Revised dietary inservice training timeline.
06:18	Transferred dining assistance program language 44:70:04:14 (9).
07:01	Updated language from center to facility and discontinued medicines.
07:03	Added facilities licensed nurse to receive notification of drug irregularities. Remove unnecessary language.
07:05	Added sentence of medication accountability.
07:06	Added language for disposal of drugs according to federal and state regulations. Removed release of drugs to residents.
07:07	Transferred language referencing evaluation of resident's ability to self-administer medications to 44:70:07:09. Added language of medication administration training requirements.
07:08	Update language.
07:09	Added section referencing self-administration of drugs. Transferred language from 44:70:07:07 and 44:70:09:13.
08:03	Deleted unnecessary language referencing retention of records. Removed medical record language. Decreased care record retention.
08:04	Deleted unnecessary language referencing destruction of records.
08:05	Revised language for destruction of care records.
09:02	Added language of resident preferred contact and added language of visitors.
09:03	Deleted unnecessary language referencing admission agreement.
09:04	Added language to notify physician assistant or nurse practitioner when resident's condition changes.
09:07	Removed unnecessary language.
09:08	Deleted unnecessary language and added language to include significant other.
09:10	Modified language to clarify voicing grievances.
09:11	Modified language on availability of survey results.
09:12	Repealed.
09:13	Transferred language to 44:70:07:09.
09:14	Renumbered 44:70:09:14 to 44:70:09:13. Admission, readmission, transfer, and discharge policies. Revised language for clarification for the appropriate evaluation or assessment of transfer and discharge or a resident. .
09:15	Renumbered 44:70:09:15 to 44:70:09:14. Spiritual needs.
09:16	Renumbered 44:70:09:16 to 44:70:09:15. Activities program.
10:01	Updated LSC from 2000 edition to 2012 edition. Also deleted reference to ADA and IBC. ADA is regulated by Justice department and IBC is the state building code and that local officials enforce. Eliminates differences in interpretation.
10:02(6)	Updated language referencing resident rooms. Deleted dimensions for water closet.
10:02(7)	Updated language referencing resident rooms. Added toilet rooms shall be wheelchair accessible.

10:02.01	Updated LSC from 2000 edition to 2012 edition
10:03	Updated language for service area in care units.
10:04	Deleted Note.
10:05(1)	Deleted requirement for raising under counter dishwashers.
10:05(11)	Reduced holding temps for food at 135° F from 140° F to match Food Code.
10:09	Modified language for outside areas for memory care units.
10:10	Deleted reference to secure units and added memory care.
10:12(1)	Deleted boiler room with two exit doors.
10:12(2)	Deleted engineer's office.
10:12(3)	Deleted mechanical and electrical rooms.
10:12(6)	Added exterior trash receptacles.
10:12(7)	Added option for yard storage in an exterior building.
10:15	Deleted boiler room ceiling heights.
10:16	Transferred to 44:70:03:03.
10:21	Updated language for facility ventilation systems.
10:22	Updated language referencing air system filtration.
10:23	Deleted language referencing fire and smoke dampers.
10:25	Deleted recirculating air system smoke damper requirements.
10:26	Removed language on wrist blade handles minimum length. Reduced standards for shower curbs from five inch to six inch height maximum.
10:27	Transferred language chlorine levels and testing to 44:70:02:11.
10:29	Transferred language referencing system temperature requirements to 44:70:02:11.
10:30	Deleted requirement for drainage cleanout.
10:36	Transferred to 44:70:03:04.
10:37	Clarification referencing letter of intent. Added requirement to submit a narrative describing intended use of proposed project.
10:38	Updated reference to LSC from 2009 edition to 2012 – new construction.